



February 28, 2025

Via ECF

Honorable Julie R. Rubin
United States District Judge
District of Maryland
101 West Lombard Street
Chambers 3A
Baltimore, MD 21201

Re: ***Alford v. The NFL Player Disability & Survivor Benefit Plan,***
No. 1:23-cv-00358-JRR

Dear Judge Rubin:

In accordance with the Court's February 24, 2025 Order (ECF No. 158), the parties have met and conferred concerning a joint proposed revised schedule concerning deadlines that the Court had previously held in abeyance (*see* ECF Nos. 138, 144). The following deadlines were affected:

- The due date for Plaintiffs' expert disclosure(s)
- The due date for Plaintiffs' class certification motion reply papers;
- The due date for Plaintiffs' opposition to Defendants' three summary judgment motions as to, respectively, Plaintiffs Daniel Loper, Jamize Olawale, and Charles Sims (ECF Nos. 115, 123, 125).

Although the Court directed that "[t]he new proposed deadlines shall not fall outside of 30 days from entry of this order absent unusual circumstances warranting such extended deadlines" (ECF No. 158 at 3), Plaintiffs respectfully request, with Defendants' consent, that the Court allow some brief additional time for these deadlines. Additional time is warranted for three reasons.

First, the undersigned, who acted as lead counsel for Plaintiffs at the January 16, 2025 court conference and February 21, 2025 argument and will be heavily involved in the depositions and briefing, has pre-existing travel plans to be in Kenya from March 6 to March 18, 2025. While in Kenya, counsel is unlikely to have Internet or wireless connectivity to permit communication or coordination with co-counsel or opposing counsel.

Second, in order for Plaintiffs' expert to prepare his report and, in turn, for Plaintiffs to complete their class certification reply papers, Plaintiffs will need to depose Defendants' proffered expert statistician, David B. Lasater, Ph.D. (ECF No. 111-2).

Third, in order to prepare their summary judgment opposition papers, Plaintiffs need to depose not only Dr. Lasater, upon whose declaration Defendants rely in support of two of their summary judgment motions (ECF No. 115-2 at 9, 31; ECF No. 123-1 at 8, 33) in addition to their class certification opposition, but also the five individuals who executed declarations in support of Defendants' summary judgment motions:

- Hessam ("Sam") Vincent, the NFL Player Benefits Office's Disability Relations Manager, who manages the Plan's relationship with its hired physicians (ECF Nos. 115-4, 123-3, 125-3);
- Michael Miller, the Plan's Director (ECF No. 115-18, 123-40, 125-15);
- Robert Smith, a member of the Board (ECF Nos. 115-19, 123-41, 125-16);
- Patrick Reynolds, who serves as an advisor to the NFL Management Council-appointed Board members (ECF Nos. 115-20, 123-42, 125-17); and
- Adora Williams, who serves as an advisor to the NFL Players Association-appointed Board members (ECF Nos. 115-21, 125-18).

The scheduling of these six depositions will necessarily entail the coordination of both the witnesses' availability and the respective schedules of counsel for the parties over the coming days and weeks.

Accordingly, Plaintiffs respectfully propose the following schedule for the Court's consideration, to which Defendants' counsel have graciously consented. This schedule would modestly extend the deadlines for Plaintiffs' submissions beyond the thirty-day window contemplated in the Court's February 24th Order:

- All depositions of Defendants' declarants, including their proffered expert, to be completed by April 4, 2025.
- Plaintiffs' class certification reply and expert disclosure(s) by April 11, 2025.
- Plaintiffs' opposition to Defendants' summary judgment motions by April 25, 2025.
- Defendants' replies in support of their summary judgment motions by May 23, 2025.

We thank the Court for its consideration of this matter.

Respectfully submitted,

s/ Benjamin R. Barnett
Benjamin R. Barnett
*Co-Counsel for Plaintiffs and
the Proposed Class and Subclasses*

cc: All Counsel of Record